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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,587	02/15/2005	Pedro Serna	088245-0191	6554
23524 7590 11/13/2008 FOLEY & LARDNER LLP 150 EAST GILMAN STREET P.O. BOX 1497 MADISON, WI 53701-1497				
EXAMINER				
TRAN, PABLO N				
ART UNIT		PAPER NUMBER		
2618				
MAIL DATE		DELIVERY MODE		
11/13/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/524,587

**Applicant(s)**

SERNA ET AL.

**Examiner**

Pablo N. Tran

**Art Unit**

2618

***--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

THE REPLY FILED 20 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Pablo N Tran/  
Primary Examiner, Art Unit 2618

Continuation of 11, does NOT place the application in condition for allowance because: The Applicant stated that, "the Non-Final rejection on 03/20/08 is incomplete (see Applicant's remark filed on 10/20/08, page 5, section I". In response to the Applicant's argument, the Non-Final rejection issued is in response to the Applicant restriction election without traverse on 12/21/08. Also, see examiner's remark on page 2 of the rejection. Thus the rejection is proper and completed.

The Applicant stated that, Leroy does not teach or suggest receiving the data packet, wherein the data packet includes a unicast destination address, especially a unicast destination address". In response to the Applicant, the specification stated that the incoming data packet (see fig. 2/no. 60) is a unicast data packet. The specification does not explicitly disclose a unicast destination address. The destination address as referring in the specification is a network layer address or an address of a mobile device (see paragraph 0025). Such a destination address is disclosed in Leroy (see fig. 2/item PU-H) and also as disclose in the prior art (see specification, fig. 4/no. 61). Therefore, the rejection is proper.

The Applicant stated that, "Leroy does not teach or suggest generate a link layer frame having a unicast destination address". In response to the Applicant, Leroy disclose such a link layer frame (see fig. 2 and paragraph, 0022-0024), wherein the link layer frame include a link layer address (PR-H), payload (see paragraph 0022), and destination address (PU-H, PR-H) and also as disclosed in the prior art (see fig. 4). Therefore, the rejection is proper.

The Applicant stated that, "Leroy does not teach or suggest the broadcast address is predefined". In response to the Applicant, Leroy disclose the broadcast address (PR-MCA) is predefined in the routing table (see fig.3). Therefore, the rejection is proper.

The Applicant stated that, "Leroy does not teach or suggest the step of determining that at least one access device supports the mobile node". In response to the Applicant, Leroy disclose that the service nodes SGSN (Access device) determined which mobile nodes are currently registered (see paragraph 0031). Therefore, the rejection is proper.